



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEALED INDICTMENT

AFFIRMATION AND
APPLICATION

S1 06 Cr. 507

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STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

SARAH Y. LAI, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the office of MICHAEL J. GARCIA, United States Attorney for the Southern District of New York. I make this Affirmation and Application, pursuant to the All Writs Act, Title 28, United States Code, Section 1651, for an order to unseal the indictment that was docketed as S1 06 Cr. 507 (the "Indictment").

2. I am the Assistant United States Attorney in charge of the case of United States v. Luis Carlos Conde-Falon et al., S1 06 Cr. 507. This sealed Indictment contains two counts. Count One charges the defendants with conspiring to distribute and possess with intent to distribute five kilograms and more of cocaine, in violation of Title 21, United States Code, Section 846. Count Two charges the defendants with conspiring to import into the United States, from a place outside the United States, five kilograms and more of cocaine, in violation of Title 21, United States Code, Section 963.

3. The sealed Indictment was returned by the Grand Jury on April 4, 2007, and filed together with arrest warrants for the defendants.

4. Because the defendants had not yet been arrested on this Indictment, the Indictment and all documents relating thereto were sealed after the Indictment was returned on April 4, 2007.

5. On or about April 23, 2007, Magistrate Judge Ronald L. Ellis unsealed the Indictment and arrest warrants for the limited purpose of allowing the Government to make certified copies of such documents in support of extradition requests.

6. Since then, four defendants have been arrested by the Colombian authorities in Colombia, for extradition to the United States, and one defendant has been arrested in New Jersey. In order to proceed with the presentment in this District, the Government respectfully requests that the Court unseal Indictment S1 06 Cr. 507.

WHEREFORE, it is respectfully requested that the Court grant this Application for an Order unsealing the Indictment

docketed as S1 06 Cr. 507 and for the case to be assigned to a District Judge.

The foregoing is hereby affirmed under penalty of perjury.

A handwritten signature in black ink, appearing to be 'S. Lai', written over a horizontal line.

SARAH Y. LAI
Assistant United States Attorney
Tel. (212) 637-1944

Dated: New York, New York
September 14, 2007

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AFFIRMATION AND APPLICATION

MICHAEL J. GARCIA
United States Attorney.
